

## UNITED STATES DISTRICT COURT

for the

Southern District of Georgia



Savannah Division

**CV 421-196**

Todd McElroy

Case No.

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

U.S. District Court for the Southern District of Georgia  
Former U.S. Magistrate Judge G.R. Smith  
Senior U.S. District Judge William T. Moore Jr.  
U.S. Equal Employment Opportunity Commission

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: (check one) ☐ Yes ☐ No

**COMPLAINT FOR VIOLATION OF CIVIL RIGHTS**  
(Non-Prisoner Complaint)

**NOTICE**

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Todd McElroy		
Address	10801 Middleground Rd. Lot 29		
	Savannah	GA	31419
	City	State	Zip Code
County	Chatham		
Telephone Number	912-330-4633		
E-Mail Address	TddMcElroy@gmail.com		

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

**Defendant No. 1**

Name	U.S. District Court for the Southern District of Georgia		
Job or Title (if known)			
Address	125 Bull Street		
	Savannah	GA	31401
	City	State	Zip Code
County	Chatham		
Telephone Number	912-650-4020		
E-Mail Address (if known)			

☐ Individual capacity ☒ Official capacity

**Defendant No. 2**

Name	Former U.S. Magistrate Judge G.R. Smith		
Job or Title (if known)	Judge		
Address	125 Bull Street		
	Savannah	GA	31401
	City	State	Zip Code
County	Chatham		
Telephone Number	912-650-4020		
E-Mail Address (if known)			

☐ Individual capacity ☒ Official capacity

## Defendant No. 3

Name

Senior U.S. District Judge William T. Moore Jr.

Job or Title (if known)

Judge

Address

125 Bull Street

Savannah

GA

31401

City

State

Zip Code

County

Chatham

Telephone Number

912-650-4059

E-Mail Address (if known)

☐ Individual capacity☒ Official capacity

## Defendant No. 4

Name

U.S. Equal Employment Opportunity Commission

Job or Title (if known)

Address

100 Alabama Street, SW, Suit 4R30

Atlanta

GA

30303

City

State

Zip Code

County

Fulton

Telephone Number

1-800-669-4000

E-Mail Address (if known)

☐ Individual capacity☒ Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☒ Federal officials (a *Bivens* claim)

☐ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

They violated "It is illegal for an employer to publish a job description / advertisement that shows preference for hear and speak are required someone from applying for a job because of disability (deaf)" by EEOC federal law and American with Disabilities Act (ADA).

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- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
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### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

U.S. District Court for the Southern District of Georgia in Savannah, GA.

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- B. What date and approximate time did the events giving rise to your claim(s) occur?

July 20, 2016 thru July 28, 2017.

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- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

After my case 4:16-cv-00206 "McElroy v. Savannah Technical College and EEOC" was dismissed, Judge Smith resigned on Oct. 1, 2018 because EEOC, judges Smith and Moore did not follow "It is illegal for an employer to publish a job description / advertisement that shows a preference for hear and speak are required someone form applying for a job because of disability (deaf)" by EEOC federal law and American with Disabilities (ADA) because Judge Smith said, "did nothing to fix its shortcomings" on docket that means he permitted EEOC to make "Right to Sue a letter was fraud". "EEOC broke the law", and "EEOC fixed job discriptions (erase "hear and speak are required"). Judge Moore was agree with him. They supported EEOC.

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**IV. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

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**V. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

\$100,000 damages so that EEOC, Judges Smith and Moore discriminated against me because I am deaf. They hurt me very bad. I was very upset so that they ignored me because I am deaf.

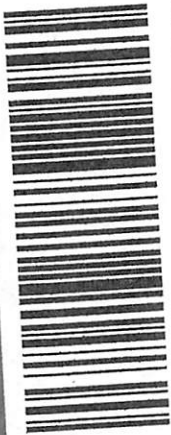
Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

## Page 6 of 6

Todd McElroy  
10801 Middleground Rd  
Lot 29  
Savannah, GA 31419

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

**CERTIFIED MAIL**



7020 1290 0001 0891 2343



1000



31401

U.S. POSTAGE PAID  
FCM LG ENV  
SAVANNAH, GA  
31419  
JUL 06, 21  
AMOUNT

**\$5.00**

R2304M114644-04

U.S. District Court for the  
Southern District of Georgia  
125 Bull street  
Savannah, GA 31401